

**Illinois Health Information Exchange
Legal Task Force
Public Health Workgroup Meeting
July 20, 2011
Meeting Minutes**

Committee Members Who Attended in Person:

Abe Arnold, Office of Health Information Technology

Committee Members Who Attended by Phone:

Rukhaya Alikhan, Illinois Department of Public Health

Julia M. Campbell, Rehabilitation Institute of Chicago

Rob Connor, Illinois Department of Human Services

Jessica Ledesma, Illinois Department of Public Health

David Liebovitz, Northwestern Medical Faculty Foundation

Cheryl Miller, Lebow, Malecki & Tasch, LLC

Maria Pekar, Loyola University Health System

April Schweitzer, Office of Health Information Technology

Tiefu Shen, Illinois Department of Public Health

Maria Pekar, as co-chair of the workgroup, welcomed participants to the call at 10:32 a.m., hosted by OHIT at the State of Illinois J.R. Thompson Center in Downtown Chicago with a telephone conference call-in number. It was confirmed that notice of the meeting and the agenda were posted on the OHIT website and at the Chicago meeting location no later than 48 hours prior to the meeting. Roll was taken, and the ability of those attending by telephone to hear and participate was confirmed. Minutes from the 5/4/11 workgroup meeting were distributed prior to the meeting and were subsequently approved without objection.

HIE updates were tabled until the next meeting. HB 1338 awaits the governor's signature. There is no update on SB 1234.

The group began by discussing the proposed IDPH Antibiotics Resistant Registry. In general, the purpose of the registry is to allow providers to look up records regarding a patient's resistance to antibiotics.

Currently, the Office of Health Policy and Planning is reviewing legal barriers to the registry. Eventually the registry may come under the HIE authority. The group also discussed the administrative rules regarding general powers and duties given to IDPH, which are very broad and allow IDPH to collect, study and manage data.

The group then considered the draft white paper. In reviewing the assumptions the group discussed whether the HIE would be a repository or merely mechanism to transmit information. Participants agreed that if the HIE is only used as a mechanism to transit information, there are very few legal barriers. However, if the HIE is a repository, there are significant additional legal concerns. The group decided that both models should be addressed in the white paper.

Additionally, members agreed that different recommendations would be required for general PHI, de-identified data and sensitive data. Members also agreed that including public safety in the review of public health statutes and analysis was required.

The group noted that if an IRB requirement is not already part of the draft model provisions, it should be added.

An example of the type of analysis required was given with regards to research and then Julia Campbell volunteered to provide an analysis of de-identified data as well as limited data set while Rukhaya Alikhan volunteered to analyze the statutory chart with regards to FOIA.

A draft of the white paper will be circulated for review when completed and then a thorough edit of the white paper as well as the model provisions will be required. The goal is to have a completed white paper by the first week of August.

There were no comments offered in response to Maria's invitation for public comment.

The meeting adjourned at 11:24 a.m.